

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ROBERT LESTER,

Plaintiff,
vs.

KULWANT SINGH and NEW LEGEND
INC. a foreign business corporation.

Defendants.

Case No.:

COMPLAINT (Negligence)

Claim for \$ 869,640
ORS 21.160(1)(c)

CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION

Plaintiff Robert Lester alleges as follows:

1.

At all times material herein, Plaintiff Robert Lester (hereinafter “Plaintiff”) was the driver of a Nissan Pathfinder traveling northbound on I-5 just before the Marquam Bridge in Multnomah County, Portland, Oregon.

2.

At all times material herein, Kulwant Singh (hereinafter “Defendant Singh”) was operating a Volvo diesel semi-truck as an employee of Defendant New Legend Inc. (hereinafter “Defendant Legend”), and was acting within the course and scope of his employment by Defendant Legend.

3.

At all material times, Defendant Legend was a foreign business corporation, and was conducting business in Portland, Multnomah County, Oregon.

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1 4.

2 At all times material herein, I-5 North near the Marquam Bridge are public freeways in
3 Multnomah County, Oregon.

4 5.

5 On July 2, 2019, at approximately 10:30 a.m., Plaintiff was the driver of a Nissan
6 Pathfinder traveling northbound on I-5 just before the Marquam Bridge. At the same time,
7 Defendant Singh was operating a Volvo diesel semi-truck directly behind Plaintiff failed to slow
8 for traffic and rear-ended Plaintiff's vehicle with significant force.

9 6.

10 At the time of the collision, Defendant Singh was negligent in one or more of the
11 following particulars:

12 A) Failing to maintain a reasonable and prudent speed (ORS 811.100);

13 B) Followed too closely (ORS 811.485);

14 C) Failing to maintain a proper and responsible lookout; and

15 D) Failing to exercise adequate control over his vehicle.

16 7.

17 Plaintiff alleges that at all times relevant herein and at the time of Plaintiff's injuries,
18 Defendant Singh was an employee of Defendant Legend and was acting within the course and
19 scope of his employment by Defendant Legend.

20 8.

21 Plaintiff alleges that at all times relevant herein, Defendant Legend was the owner, lessee,
22 or otherwise had the right of possession or control of the Volvo diesel semi-truck driven by
23 Defendant Singh at the time of the subject collision.

24 9.

25 As a direct and foreseeable result of Defendant's negligence, Plaintiff sustained painful
26 and limiting injuries, including but not limited to, injuries to his head resulting in a concussion,

1 neck, left arm, left forearm/finger pain and left hand numbness and weakness, right hip and low
2 back pain, and shooting pain into his left leg. Plaintiff suffered a C7-T1 disc herniation resulting
3 in surgery, C7-T1 anterior cervical discectomy and fusion.

4 10.

5 As a direct and foreseeable result of Defendant's negligence, Plaintiff has incurred
6 medical expenses in the approximate amount of \$100,000.00 to date and will continue to incur
7 future medical expenses in an unascertained amount.

8 11.

9 As a direct and foreseeable result of Defendant's negligence, Plaintiff has incurred
10 economic damages for lost wages in the amount of \$19,640.00.

11 12.

12 The injuries Plaintiff sustained in the collision have caused, and continue to cause,
13 Plaintiff pain, suffering and interference with his daily activities. Plaintiff is entitled to non-
14 economic damages of \$750,000.00.

15
16 WHEREFORE, Plaintiff prays for damages as follows:

- 17 A) A judgment in favor of Plaintiff against Defendant;
18 B) For economic damages against Defendant in the amount of \$119,640.00;
19 C) For non-economic damages against Defendant in the amount of \$750,000.00;
20 D) For Plaintiff's costs and disbursements herein; and
21 E) For such other relief as the court deems just and proper.

22 DATED this 18th day of June 2021.

23
24 **BROWNSTEIN | RASK, LLP**

25 By: s/ James W. Hendry
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Attorney for Plaintiff